

COMMITTEE SUBSTITUTE SENATE BILL 216 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 216 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Whitmire, Williams.

Nays: Mauzy, Washington.

Absent-excused: Uribe.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy and Washington asked to be recorded as voting "Nay" on the final passage of the bill.

MEMORIAL RESOLUTION

S.R. 121 - By Mauzy: Memorial resolution for Woodrow "Woody" Wilson Simpson.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 52 - (Edwards): Designating the design incorporated in the sesquicentennial county flag for Falls County as the official county flag for the Texas Sesquicentennial.

S.R. 122 - By Parmer: Extending congratulations to Mr. and Mrs. Gordon D. Grunke.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:45 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

TWENTY-THIRD DAY

(Tuesday, February 19, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by President Pro Tempore Farabee.

The roll was called and the following Senators were present: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Brooks.

A quorum was announced present.

Senator J. E. "Buster" Brown offered the invocation as follows:

Our Dear Heavenly Father, we are indeed grateful for the privilege and the blessing of being able to gather here today in this deliberative body. Be with each one of us as we come today in Austin, as we try to do Thy will, as we try to recognize, understand and meet the needs of the people of Texas. Be with our leaders as they travel to Washington representing this state and help them to return safely. Be with us, help our deliberations be as though You were one of us in this body. In His name we pray, Amen.

On motion of Senator Traeger and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Traeger.

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 398
S.B. 397
S.B. 261
C.S.S.B. 43

Senator Uribe, Acting Chairman, submitted the following report for the Committee on Health and Human Resources:

S.C.R. 46

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 351
C.S.S.B. 298

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
February 18, 1985

**TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE MEMBERS OF THE TEXAS LOW-LEVEL RADIOACTIVE WASTE
DISPOSAL AUTHORITY:**

For a term to expire February 1, 1991:

DR. ELBERT WHORTON, JR.

20 Colony Park Circle

Galveston, Texas 77551

(Dr. Whorton is replacing Mr. Albert Gonzalez of Dallas, Dallas County, Texas, whose term expired.)

For a term to expire February 1, 1991:

JAMES P. ALLISON
1402-B Matthews
Austin, Texas 78745

(Mr. Allison is replacing Mr. Frank Anthony Perrone of Houston, Harris County, Texas, whose term expired.)

TO BE ADJUTANT GENERAL:

For a term to expire February 1, 1987:

MAJOR GENERAL JAMES T. DENNIS
836 Patti
Bedford, Texas 76022

(Major General Dennis is replacing Major General Scott of Austin, Travis County, Texas, whose term expired.)

Respectfully submitted,

/s/Mark White
Governor of Texas

MESSAGE FROM THE HOUSE

House Chamber
February 19, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 35, Grants permission to the Texas YMCA Youth and Government Program for use of the House and Senate Chambers on March 1 and 2 in 1985 and February 28 and March 1 in 1986.

H.C.R. 57, Commending participants in Leadership Abilene.

H.C.R. 73, Congratulating Covelle Jones, State Artist 1984-1985.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.J.R. 21 by Caperton State Affairs
Proposing a constitutional amendment to authorize use of proceeds from the sale of permanent school fund land to acquire other land as part of the permanent school fund.

S.J.R. 22 by Sarpalius Natural Resources
Proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide financing assistance for the purchase of farm and ranch land.

S.B. 461 by Harris Economic Development
Relating to the enclosure of certain swimming pools.

S.B. 493 by Caperton

State Affairs

Relating to management of public lands, to the continuation, administration, powers, and duties of the School Land Board, to the powers and duties of the commissioner of the General Land Office, to the authority of the Board of Regents of The University of Texas System to execute grants of easements on university land, to the powers and duties of boards for lease of land owned by the Texas Department of Parks and Wildlife and the Texas Department of Corrections, and to the abolition of certain boards for lease of state departments, boards, and agencies, including the Board for Lease of Eleemosynary and State Memorial Park Lands, and the transfer of those boards' leasing authority to the School Land Board.

S.B. 494 by Sharp

State Affairs

Relating to the processing of absentee ballots voted by mail in elections in which voting machines are used.

S.B. 495 by Sharp

Natural Resources

Relating to the mineral development and leasing of lands owned by or under the jurisdiction of the State Department of Highways and Public Transportation; amending the Natural Resources Code, as amended, by amending Subsection (a) of Section 34.002 and by adding Sections 34.0511 and Sections 34.0512 through 34.0515; amending Article 6673a-1 and repealing Article 6673a-2, Revised Statutes.

S.B. 496 by Truan

Education

Relating to sick leave for school district employees.

S.B. 497 by McFarland

Economic Development

Relating to establishment of the Texas Savings and Loan Supplemental Fund.

S.B. 498 by Lyon

State Affairs

Relating to the time period for filing proof of financial responsibility on conviction of failure to maintain financial responsibility.

S.B. 499 by Lyon

Jurisprudence

Relating to the issues of mental illness, mental retardation, fitness to proceed, and mental defects and diseases in juvenile proceedings to adjudicate a child as a child in need of supervision or a delinquent child.

S.B. 500 by Lyon

State Affairs

Relating to the regulation of the use of safety belts in certain motor vehicles; providing a penalty.

S.B. 501 by Lyon

State Affairs

Relating to outdoor advertising for alcoholic beverages.

S.B. 502 by Harris

Economic Development

Relating to certain forms, rates, and supplementary rate information of defined mortgage guaranty insurance.

S.B. 503 by Sarpalius

Economic Development

Relating to coverage for certain hospice services under defined health insurance policies.

S.B. 504 by Lyon

Criminal Justice

Relating to the civil and criminal prosecution of children, the disposition of juvenile offenders, the classification of juvenile offenses, and the detention, custody, commitment, and transfer of juvenile offenders.

S.B. 505 by Montford

Jurisprudence

Relating to the creation, enforcement, and prosecution of offenses involving aircraft that do not comply with Federal Aviation Administration regulations regarding identification numbers, registration, or equipment; providing penalties.

S.B. 506 by Montford State Affairs
Relating to application of weight and size limitations to the movement of certain vehicles on public highways.

S.B. 507 by Montford Natural Resources
Relating to casing that must be used for oil and gas wells.

S.B. 508 by Montford State Affairs
Relating to the purchase of mutual fund contracts through licensed securities dealers and rulemaking authority for the administration of the deferred compensation plans for public employees.

S.B. 509 by Montford State Affairs
Authorizing the Comptroller of Public Accounts to adopt a deferred compensation plan in accordance with the federal revenue act of 1978, Public Law No. 95-600, including the establishment of a trust to hold the contributions to the plan, a method to select vendors for the plan, establishing a loan program as authorized by the plan and allowing for salary deductions to repay loans.

S.B. 510 by Montford Jurisprudence
Creating offenses involving the unauthorized use of the insignia and name of certain state law enforcement agencies or of insignia deceptively similar to that of certain law enforcement agencies; providing penalties.

S.B. 511 by Sarpalius Natural Resources
Relating to the creation of a farm and ranch finance program.

S.B. 512 by Sarpalius Jurisprudence
Relating to the imposition of certain administrative penalties by the State Board of Polygraph Examiners.

S.B. 513 by Sarpalius Intergovernmental Relations
Relating to the authority of a county to construct, improve, maintain, or repair city streets and alleys with the consent of the city.

S.B. 514 by Sarpalius State Affairs
Relating to the right-of-way of motor vehicles turning left in certain circumstances.

S.B. 515 by Glasgow Finance
Relating to relief from liability for civil damages for disclosing real and personal property sales prices to property tax authorities.

S.B. 516 by Farabee Health and Human Resources
Relating to an increase in the fees paid to counties by the Texas Youth Commission for supervision of delinquent children; amending Subsection (b), Section 61.083, Human Resources Code, as amended.

S.B. 517 by Farabee State Affairs
Relating to the regulation of trusts and gifts to minors.

S.B. 518 by Farabee Criminal Justice
Relating to the imposition of certain duties on the Board of Pardons and Paroles and to the eligibility of certain inmates for parole and preparole transfer; amending Article 42.12, Code of Criminal Procedure, 1965, as amended, by amending Subsections (a) and (e) of Section 15.

S.B. 519 by Lyon Criminal Justice
Relating to certain orders by district judges requiring the expenditure of county funds.

S.B. 520 by Jones Education
Relating to the right to a duty-free lunch period for certain public school teachers.

S.B. 521 by Lyon, Barrientos State Affairs
Relating to the authority of the Governing Board of the Texas School for the Blind to obtain criminal history information from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency, and to the offense of unauthorized disclosure of criminal history information records; providing a penalty.

S.B. 522 by Lyon State Affairs
Relating to the authority of the governing board of the Texas Youth Commission to obtain criminal history information from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency, and to the offense of unauthorized disclosure of criminal history information records; providing a penalty.

S.B. 523 by Lyon, Barrientos State Affairs
Relating to the authority of the Governing Board of the Texas School for the Deaf to obtain criminal history information from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency, and to the offense of unauthorized disclosure of criminal history information records; providing a penalty.

CO-AUTHOR OF SENATE BILL 453

On motion of Senator Krier and by unanimous consent, Senator Traeger will be shown as Co-author of **S.B. 453**.

HOUSE CONCURRENT RESOLUTION 57

The President Pro Tempore laid before the Senate the following resolution:

H.C.R. 57, Commending participants in Leadership Abilene.

The resolution was read.

On motion of Senator Jones and by unanimous consent, the resolution was considered immediately and was adopted.

GUESTS PRESENTED

Senator Jones introduced a group, seated in the gallery, of participants in Leadership Abilene.

The Senate welcomed them as guests.

SENATE RESOLUTION 125

Senator Uribe offered the following resolution:

WHEREAS, February 28, 1985, marks the opening of Charro Days in Brownsville; for the past 30 years, Villa Maria and Incarnate Word Academy have contributed to this fiesta by presenting a program entitled "A Little Bit of Mexico"; and

WHEREAS, Members of the two schools plan, organize, and conduct this colorful program which includes traditional folk dances representing the various states of Mexico and performed in authentic costumes by students from kindergarten through twelfth grades and by alumni; and

WHEREAS, The purpose of this presentation is to share a bit of Mexican culture with the Brownsville area and at the same time provide students with an enriching cultural experience; and

WHEREAS, Students and parents are involved also in the aspects of producing the program which include: creation of art work, selling of tickets, advertising, costume preparation, program preparation, script writing, and narration; and

WHEREAS, This annual event is a symbol of the spirit of harmony that exists between the United States of America and México; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, recognize the Villa Maria and Incarnate Word Academy for their participation in the Charro Days Fiesta and wish that good times be had by all in celebration of this festive event; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the City of Brownsville as a memento of this grand occasion.

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Uribe introduced his daughter, Echo; Melissa Michelle Forcade and Noe Nilo Ortiz and explained the history of their costumes to the Senate.

These young people were welcomed to the Senate.

GUEST PRESENTED

Senator Santiesteban was recognized and presented Laura Martinez-Herring, Miss Texas, U.S.A.

Miss Martinez-Herring was escorted to the President's Rostrum and President Pro Tempore Farabee presented her with an enrolled copy of S.R. 120, adopted by the Senate on February 14, 1984.

Miss Martinez-Herring expressed her appreciation to the Senate.

SENATE BILL 353 REREFERRED

On motion of Senator Harris and by unanimous consent, S.B. 353 was withdrawn from the Committee on State Affairs and rereferred to the Committee on Finance.

SENATE RULE 103 SUSPENDED

On motion of Senator Howard and by unanimous consent, the posting rule was suspended in order that the Committee on Nominations might hear tomorrow at 9:00 o'clock a.m. the following nominations submitted by the Governor: Dr. Elbert Whorton, Jr., to be a Member of the Texas Low-Level Radioactive Waste Disposal Authority; James P. Allison, to be a Member of the Texas Low-Level Radioactive Waste Disposal Authority and Major James T. Dennis, to be Adjutant General.

(President in Chair)

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 10
H.C.R. 23
H.C.R. 24
H.C.R. 28
H.C.R. 29
H.C.R. 32
H.C.R. 35

H.C.R. 38**H.C.R. 43****SENATE BILL 342 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 342, Relating to the expiration of marriage licenses.

The bill was read second time and was passed to engrossment.

SENATE BILL 342 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 342** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Brooks.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brooks.

SENATE BILL 295 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 295, Relating to insurance coverage for employees of state colleges and universities.

The bill was read second time and was passed to engrossment.

SENATE BILL 295 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 295** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Barrientos, Washington.

Absent-excused: Brooks.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 149 ON SECOND READING

Senator Glasgow asked unanimous consent to suspend the regular order of business, Senate Rule 89 and all other necessary rules to take up for consideration at this time:

C.S.S.B. 149, Relating to the right to counsel of a person accused before or suspected by a grand jury and restrictions on divulging secret information; amending Articles 20.02, 20.03, 20.04, and 20.05, Code of Criminal Procedure, 1965.

There was objection.

Senator Glasgow then moved to suspend the regular order of business, Senate Rule 89 and all other necessary rules and take up **C.S.S.B. 149** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Barrientos, Blake, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Truan, Uribe, Whitmire, Williams.

Nays: Brown, Krier, Sharp, Traeger, Washington.

Absent-excused: Brooks.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend **C.S.S.B. 149** as follows:

- (1) On page 1, line 44, strike "or".
- (2) On page 1, line 45, before the period, insert ", special prosecutor, or attorney representing the grand jury".

The amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 149 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 149** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Barrientos, Blake, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sims, Truan, Uribe, Whitmire, Williams.

Nays: Brown, Krier, Montford, Sharp, Traeger, Washington.

Absent-excused: Brooks.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Brown, Krier, Montford, Sharp and Traeger asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE RULE 103 SUSPENDED

On motion of Senator Parker and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider S.B. 520 at 9:00 o'clock a.m. tomorrow.

MEMORIAL RESOLUTIONS

S.R. 127 - By Glasgow: Memorial resolution for Mrs. Lillian Joiner Patrick.

S.R. 128 - By Glasgow: Memorial resolution for Tom Venable.

S.R. 129 - By Glasgow: Memorial resolution for John Brian Johnson.

S.R. 130 - By Glasgow: Memorial resolution for Luther Winford Gardner, Jr.

S.R. 131 - By Glasgow: Memorial resolution for Ira B. Clemons.

S.R. 132 - By Glasgow: Memorial resolution for former Mayor Johnny Jefferson Vinson.

S.R. 133 - By Glasgow: Memorial resolution for Burton S. Burks, Sr.

S.R. 134 - By Glasgow: Memorial resolution for Mrs. Jane Cole Marshall.

S.R. 135 - By Glasgow: Memorial resolution for Mrs. Mary L. Hart.

S.R. 136 - By Glasgow: Memorial resolution for Jim F. McMillan.

S.R. 137 - By Glasgow: Memorial resolution for Mrs. Maud Irby.

CONGRATULATORY RESOLUTIONS

S.R. 123 - By Montford: Extending congratulations to Dr. Orene Peddicord of Lubbock, Capitol Physician for the Day.

S.R. 124 - By Montford: Commending Deputy Sheriff Beaver Wallace and Troy Rich for their courageous efforts in the rescue of Lee Anthony Ovalle, Lisa Ann Ovalle and Pablo Ovalle, Jr.

S.R. 126 - By Traeger: Commending Ms. Rosita Ornelas.

ADJOURNMENT

On motion of Senator Mauzy, the Senate at 12:02 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(February 13, 1985)

H.C.R. 41

(February 15, 1985)

H.C.R. 11

H.C.R. 16

H.C.R. 44

H.C.R. 51